

[STAFF WORKING DRAFT]

SEPTEMBER 10, 2014

113TH CONGRESS
2D SESSION

S. _____

To direct the Secretary of Transportation to carry out activities to improve rail safety, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BLUMENTHAL (for himself, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. MURPHY) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To direct the Secretary of Transportation to carry out activities to improve rail safety, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-**
4 **ERENCES TO TITLE 49, UNITED STATES CODE.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Rail Safety Improvement Act of 2014”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

- Sec. 1. Short title; table of contents; references to title 49, United States Code.
- Sec. 2. Authorization of appropriations.
- Sec. 3. Requirement for uniform operating rules.
- Sec. 4. Rail safety technology.
- Sec. 5. Fatigue mitigation.
- Sec. 6. Transportation of flammable liquids by rail.
- Sec. 7. Amendments to the Safety Appliance Law.
- Sec. 8. Amendments to the Locomotive Inspection Law.
- Sec. 9. Repair and replacement of damaged track inspection equipment.
- Sec. 10. Commuter rail track inspections.
- Sec. 11. Automated track geometry inspections.
- Sec. 12. Speed enforcement.
- Sec. 13. Unintentional movement.
- Sec. 14. Rail safety oversight improvements.
- Sec. 15. Reports on statutory mandates and recommendations.
- Sec. 16. Operation deep dive; report.
- Sec. 17. Use of certain reports and surveys.
- Sec. 18. Authorization of appropriations; miscellaneous.
- Sec. 19. Enforcement.
- Sec. 20. Confidential close call reporting systems.
- Sec. 21. Freight train crew size.

1 (c) REFERENCES TO TITLE 49, UNITED STATES
2 CODE.—Except as otherwise expressly provided, wherever
3 in this Act an amendment or repeal is expressed in terms
4 of an amendment to, or repeal of, a section or other provi-
5 sion, the reference shall be considered to be made to a
6 section or other provision of title 49, United States Code.

7 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 20117(a) is amended to read as follows:

9 “(a) AUTHORIZATION OF APPROPRIATIONS.—

10 “(1) IN GENERAL.—There are authorized to be
11 appropriated to the Secretary of Transportation to
12 carry out this part and to carry out responsibilities
13 under chapter 51 as delegated or authorized by the
14 Secretary—

15 “(A) \$225,000,000 for fiscal year 2015;

1 “(B) \$245,000,000 for fiscal year 2016;

2 “(C) \$266,000,000 for fiscal year 2017;

3 “(D) \$289,000,000 for fiscal year 2018;

4 “(E) \$293,000,000 for fiscal year 2019;

5 and

6 “(F) \$300,000,000 for fiscal year 2020.

7 “(2) INSPECTION VEHICLES.—With amounts
8 appropriated pursuant to paragraph (1), the Sec-
9 retary, in addition to providing further funding for
10 previously purchased automated inspection vehicles
11 as needed, shall purchase or lease automated rail in-
12 tegrity inspection vehicles, Gage Restraint Measure-
13 ment System vehicles, and automated track geom-
14 etry vehicles or other comparable technology as
15 needed, including technology that may be added onto
16 an existing railcar or vehicle, to assess rail and track
17 safety.

18 “(3) FACILITY FOR UNDERGROUND RAIL STA-
19 TION AND TUNNEL.—There are authorized to be ap-
20 propriated to the Secretary such sums as may be
21 necessary for the period encompassing fiscal years
22 2015 through 2020 to design, develop, and construct
23 the Facility for Underground Rail Stations and Tun-
24 nels at the Transportation Technology Center in
25 Pueblo, Colorado. The facility shall be used to test

1 and evaluate the vulnerabilities of above-ground and
2 underground rail tunnels to prevent accidents and
3 incidents in such tunnels, to mitigate and remediate
4 the consequences of any such accidents or incidents,
5 and to provide a realistic scenario for training emer-
6 gency responders.

7 “(4) RAIL SECURITY.—Such sums as may be
8 necessary from the amount appropriated pursuant to
9 paragraph (1) for each of the fiscal years 2015
10 through 2020 shall be made available to the Sec-
11 retary for personnel in regional offices and in Wash-
12 ington, D.C., whose duties primarily involve rail se-
13 curity.”.

14 **SEC. 3. REQUIREMENT FOR UNIFORM OPERATING RULES.**

15 (a) AMENDMENT.—Subchapter II of chapter 201 is
16 amended by adding after section 20167 the following:

17 **“§ 20168. Uniform operating rules**

18 “(a) IN GENERAL.—The Secretary of Transportation
19 may promulgate regulations or issue orders to require in
20 small geographic areas, as defined by the Secretary, where
21 2 or more railroads serve as host railroads for joint oper-
22 ations that occur within a small geographic area, all such
23 host railroads in the small geographic area to develop uni-
24 form operating rules governing all operations within the
25 small geographic area with respect to—

1 “(1) signal aspects and indications, such that
2 no aspect represents multiple indications for any op-
3 erations within the small geographic area;

4 “(2) after-arrival mandatory directives, such
5 that the use of an after-arrival mandatory directive
6 is prohibited for any operations in non signaled ter-
7 ritory within the small geographic area; and

8 “(3) forms used to convey track authority, such
9 that track authority for any operations within the
10 small geographic area is conveyed using an identical
11 set of forms.

12 “(b) CONSTRUCTION.—Nothing in this section shall
13 be construed to limit the authority of the Secretary to pro-
14 mulgate regulations or issue orders under other law.”.

15 (b) CONFORMING AMENDMENT.—The table of con-
16 tents for subchapter II chapter 201 is amended by adding
17 after the item relating to section 20167 the following:

 “20168. Uniform operating rules.”.

18 **SEC. 4. RAIL SAFETY TECHNOLOGY.**

19 (a) RAILROAD SAFETY TECHNOLOGY GRANTS.—

20 (1) AUTHORIZATION OF APPROPRIATIONS.—
21 Section 20158(c) is amended to read as follows:

22 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to the Secretary of
24 Transportation the following amounts to carry out this
25 section, to remain available until expended:

1 “(1) For fiscal year 2015, \$1,000,000,000.

2 “(2) For fiscal year 2016, \$1,000,000,000.

3 “(3) For each of fiscal years 2017 through
4 2020, \$250,000,000.”.

5 (2) MATCHING REQUIREMENTS.—Section
6 20158(b)(4) is amended by striking the period at
7 the end and inserting “, except that Federal funds
8 for an eligible project for the primary benefit of
9 intercity rail passenger transportation or commuter
10 rail passenger transportation may equal 100 percent
11 of the total cost of that project.”.

12 (3) GRANT CRITERIA; CONSIDERATIONS.—Sec-
13 tion 20158(b)(2) is amended—

14 (A) in subparagraph (B), by striking “;
15 or” and inserting a semicolon;

16 (B) in subparagraph (C), by striking the
17 period at the end and inserting a semicolon;
18 and

19 (C) by adding at the end the following:

20 “(D) are submitted by applicants that
21 demonstrate a history of making expenditures
22 for capital projects related to railroad safety
23 technology.”.

24 (b) POSITIVE TRAIN CONTROL SYSTEMS.—

1 (1) SPECTRUM.—Subchapter II of chapter 201,
2 as amended by section 3 of this Act, is further
3 amended by adding at the end the following:

4 **“§ 20169. Electromagnetic spectrum**

5 “Not later than 120 days after the date of enactment
6 of the Rail Safety Improvement Act of 2014, the Secretary
7 of Transportation and the Chairman of the Federal Com-
8 munications Commission shall coordinate to assess spec-
9 trum needs and availability for implementing positive train
10 control systems (as defined in section 20157). Such co-
11 ordination may include conversations with external stake-
12 holders.”.

13 (2) CONFORMING AMENDMENT.—The table of
14 contents for subchapter II of chapter 201, as
15 amended by section 3 of this Act, is further amend-
16 ed by adding at the end the following:

“20169. Electromagnetic spectrum.”.

17 (3) REPORTS.—Section 20157(a) is amended
18 by adding at the end the following:

19 “(3) PROGRESS REPORTS.—

20 “(A) IN GENERAL.—Beginning 6 months
21 after the date of enactment of the Rail Safety
22 Improvement Act of 2014, and every 6 months
23 thereafter until its positive train control system
24 is certified by the Secretary under subsection
25 (h), each railroad carrier and entity required to

1 submit a plan under paragraph (1) of this sub-
2 section shall provide a progress report to the
3 Secretary on the status of the plan.

4 “(B) CONTENTS.—A progress report under
5 subparagraph (A) shall include—

6 “(i) a section describing the total
7 number of positive train components re-
8 quired, the number of components that
9 have been completed as of the date of the
10 progress report, the number of components
11 that remain to be completed or imple-
12 mented, an estimated completion date for
13 each component that remains to be com-
14 pleted or implemented, and the overall
15 completion percentage; and

16 “(ii) a section describing—

17 “(I) the total number of safety-
18 related employees and equivalent rail-
19 road carrier contractors and sub-
20 contractors required to be trained, by
21 class and craft;

22 “(II) the minimum training
23 standards for the employees, contrac-
24 tors, and subcontractors under sub-
25 clause (I);

1 “(III) the percentage of employ-
2 ees, contractors, and subcontractors
3 under subclause (I) that have com-
4 pleted training as of the date of the
5 progress report;

6 “(IV) the percentage of employ-
7 ees, contractors, and subcontractors
8 under subclause (I) that remain to be
9 trained; and

10 “(V) the estimated completion
11 date for the training under subclause
12 (IV).

13 “(C) DEFINITIONS.—In this paragraph:

14 “(i) COMPONENT.—The term ‘compo-
15 nent’ means a locomotive apparatus, way-
16 side interface unit, switch, base station
17 radio, wayside radio, locomotive radio, and
18 any new and novel technology that is part
19 of a positive train control system.

20 “(ii) MINIMUM TRAINING STAND-
21 ARDS.—The term ‘minimum training
22 standards’ means the knowledge of, and
23 ability to comply with, Federal railroad
24 safety laws and regulations and carrier

1 rules and procedures necessary to imple-
2 ment positive train control.

3 “(D) WEBSITE.—Not later than 30 days
4 after receiving a progress report under this
5 paragraph, the Secretary shall make the report
6 available on the website of the Federal Railroad
7 Administration.”.

8 (c) ALERTERS.—

9 (1) IN GENERAL.—Subchapter II of chapter
10 201, as amended by subsection (b) of this section,
11 is further amended by adding at the end the fol-
12 lowing:

13 **“§ 20170. Alerters**

14 “(a) IN GENERAL.—Beginning 1 year after the date
15 of enactment of the Rail Safety Improvement Act of 2014,
16 a working alerter shall be required in the controlling loco-
17 motive of each passenger train in intercity rail passenger
18 transportation (as defined in section 24102) or commuter
19 rail passenger transportation (as defined in section
20 24102).

21 “(b) REGULATIONS.—The Secretary may promulgate
22 or revise existing regulations to specify the appropriate
23 technical detail and essential functionalities of a working
24 alerter, including the manner in which the alerter can be
25 reset.”.

1 (2) CONFORMING AMENDMENT.—The table of
2 contents for subchapter II of chapter 201, as
3 amended by subsection (b) of this section, is further
4 amended by adding at the end the following:

“20170. Alerters.”.

5 (d) REDUNDANT SIGNAL PROTECTION.—Not later
6 than 1 year after the date of enactment of this Act, the
7 Secretary of Transportation shall promulgate such regula-
8 tions as the Secretary considers necessary to require that
9 on-track safety programs, as described in subpart C of
10 part 214 of title 49, Code of Federal Regulations, when-
11 ever practicable and consistent with other safety require-
12 ments and operational considerations, include requiring
13 implementation of redundant signal protection, such as
14 shunting, for maintenance-of-way work crews who depend
15 on a train dispatcher to provide signal protection.

16 (e) INSTALLATION OF AUDIO AND IMAGE RECORDING
17 DEVICES.—

18 (1) IN GENERAL.—Subchapter II of chapter
19 201, as amended by subsection (c) of this section, is
20 further amended by adding at the end the following:

21 **“§ 20171. Installation of audio and image recording**
22 **devices**

23 “(a) IN GENERAL.—Not later than 2 years after the
24 date of enactment of the Rail Safety Improvement Act of
25 2014, each railroad carrier that is a Class I railroad and

1 each railroad carrier that provides intercity rail passenger
2 or commuter rail passenger transportation shall install
3 inward- and outward-facing audio and image recording de-
4 vices in all controlling locomotive cabs and cab car oper-
5 ating compartments.

6 “(b) REGULATIONS.—Not later than 1 year after the
7 date of enactment of the Rail Safety Improvement Act of
8 2014, the Secretary of Transportation shall promulgate
9 such regulations as the Secretary considers necessary to
10 implement this section. The regulations, at a minimum,
11 shall require—

12 “(1) a railroad carrier described in subsection
13 (a) to establish a program for the review and use of
14 in-cab audio and image recordings;

15 “(2) the program under paragraph (1) to be
16 submitted to the Secretary for review and approval;
17 and

18 “(3) privacy protections as determined appro-
19 priate by the Secretary, including limitations on the
20 public release of the recordings under subsection (f).

21 “(c) PROGRAMS.—

22 “(1) IN GENERAL.—Each program established
23 under subsection (b)(1) shall be limited to the pur-
24 poses under paragraph (2) of this subsection. A rail-
25 road carrier may not use in-cab audio or image re-

1 cordings or structure the program to retaliate
2 against an employee, or for selective enforcement.

3 “(2) PURPOSES.—A program established under
4 subsection (b)(1) shall limit the use of in-cab audio
5 and image recordings to the following purposes:

6 “(A) Assisting in an investigation into the
7 causation of a reportable accident.

8 “(B) Verifying that a train crew member’s
9 actions are in accordance with applicable safety
10 laws.

11 “(C) Counseling a train crew member if
12 the member’s actions are not in accordance
13 with applicable safety laws.

14 “(d) DETAIL AND FEATURES.—In promulgating the
15 regulations under this section, the Secretary shall specify
16 the appropriate technical detail and essential features of
17 the inward- and outward-facing audio and image recording
18 devices to provide for—

19 “(1) protection in the event of a crash or fire;

20 “(2) a minimum 12-hour continuous recording
21 capability;

22 “(3) recordings that are easily accessible for re-
23 view during an accident investigation; and

24 “(4) information captured by recording devices
25 to be recorded in a location remote from the control-

1 ling locomotive to maximize the likelihood of recov-
2 ering the information after an accident.

3 “(e) OTHER RAILROAD CARRIERS.—

4 “(1) IN GENERAL.—Nothing in this section re-
5 stricts the discretion of the Secretary to require rail-
6 road carriers other than those described in sub-
7 section (a) to install inward- and outward-facing
8 audio and image recording devices in all controlling
9 locomotive cabs and cab car operating compart-
10 ments. In exercising such discretion, the Secretary
11 shall consider, at a minimum, the safety perform-
12 ance of the railroad carrier.

13 “(2) VOLUNTARY PROGRAM ESTABLISHMENT.—

14 Any railroad carrier other than a railroad carrier de-
15 scribed in subsection (a) may voluntarily establish a
16 program under this section. This section, and any
17 regulations promulgated under this section, shall
18 apply to a program that is voluntarily established.

19 “(f) CONFIDENTIALITY OF RECORDINGS.—In accord-
20 ance with section 552(b)(3) of title 5, the Secretary may
21 not disclose publicly any part of an in-cab audio or image
22 recording that the Secretary obtains as part of an accident
23 or other investigation.”.

24 “(2) CONFORMING AMENDMENT.—The table of
25 contents for subchapter II of chapter 201, as

1 amended by subsection (c) of this section, is further
2 amended by adding at the end the following:

“20171. Installation of audio and image recording devices.”.

3 **SEC. 5. FATIGUE MITIGATION.**

4 (a) **REGULATION ON FATIGUE MANAGEMENT**
5 **PLANS.**—Not later than 180 days after the promulgation
6 of the final regulation implementing the requirement for
7 risk reduction plans under section 20156(a) of title 49,
8 United States Code, or for 10-year technology implemen-
9 tation plans under section 20156(e) of that title, which-
10 ever is later, the Secretary of Transportation shall promul-
11 gate such regulations as are necessary to implement the
12 requirement for fatigue management plans under section
13 20156(f) of that title.

14 (b) **COST-BENEFIT ANALYSIS.**—

15 (1) **IN GENERAL.**—Not later than 1 year after
16 the date of enactment of this Act, the Secretary of
17 Transportation shall conduct a comprehensive cost-
18 benefit analysis to evaluate the development of hours
19 of service requirements for all train, signal, and dis-
20 patching service employees based on fatigue sciences.

21 (2) **ASSUMPTIONS.**—In performing the cost-
22 benefit analysis, the Secretary of Transportation
23 may—

24 (A) contemplate hours of service require-
25 ments for the employees described in paragraph

1 (1) that are based on sound, up-to-date sci-
2 entific information regarding fatigue measure-
3 ment, employee work and sleep, and accident
4 risk; and

5 (B) contemplate requirements that differ
6 from the requirements under chapter 211 of
7 title 49, United States Code.

8 (3) CONSIDERATIONS.—In performing the cost-
9 benefit analysis, the Secretary of Transportation
10 shall consider the costs, benefits, and other effects
11 associated with the requirements contemplated in
12 paragraph (2), including—

13 (A) the impact on train accidents, includ-
14 ing fatalities, injuries, and property damage;

15 (B) the impact on staffing, schedules, and
16 other railroad operations;

17 (C) the impact on employees' salaries,
18 earning opportunities, and other compensation;

19 (D) the impact on customer needs, such as
20 predictability of service;

21 (E) the impact on productivity and com-
22 petitiveness;

23 (F) the impact on recordkeeping and other
24 railroad administration;

1 (G) the impact of consecutive days worked
2 and work performed during night hours on the
3 potential for fatigue and risk of accidents;

4 (H) one-time versus reoccurring costs;

5 (I) whether an effect disproportionately
6 impacts a class of railroad;

7 (J) the cost-effectiveness of existing rail-
8 road fatigue management initiatives;

9 (K) the extent to which the application of
10 modern fatigue science to hours of service re-
11 quirements is consistent with the railroad oper-
12 ating environment; and

13 (L) such other effects as the Secretary of
14 Transportation considers appropriate.

15 (4) REPORT.—Not later than 60 days after the
16 cost-benefit analysis is complete, the Federal Rail-
17 road Administration shall post a report on its
18 website that summarizes the results of the cost-ben-
19 efit analysis, describes any disproportionate costs or
20 benefits to a particular class of railroad, and rec-
21 ommends any changes to the current hours of serv-
22 ice law.

1 **SEC. 6. TRANSPORTATION OF FLAMMABLE LIQUIDS BY**
2 **RAIL.**

3 (a) IN GENERAL.—Chapter 51 is amended by insert-
4 ing after section 5110 the following:

5 **“§ 5111. Requirements for the operation of high-haz-**
6 **ard flammable trains**

7 “(a) In this section:

8 “(1) CLASS 3 FLAMMABLE LIQUID.—The term
9 ‘Class 3 flammable liquid’ has the meaning given the
10 term in section 173.120(a) of title 49, Code of Fed-
11 eral Regulations.

12 “(2) DISTRIBUTED POWER SYSTEM.—The term
13 ‘distributed power system’ has the meaning given
14 the term in section 229.5 of title 49, Code of Fed-
15 eral Regulations.

16 “(3) DOT SPECIFICATION 111 TANK CAR.—The
17 term ‘DOT specification 111 tank car’ means a tank
18 car that meets Department of Transportation Speci-
19 fication 111 standards but does not meet the re-
20 quirements of Association of American Railroads
21 Casualty Prevention Circular 1232.

22 “(4) HIGH-HAZARD FLAMMABLE TRAIN.—The
23 term ‘high-hazard flammable train’ means a single
24 train transporting 20 or more tank cars loaded with
25 a Class 3 flammable liquid.

1 “(5) MAXIMUM EXTENT PRACTICABLE.—The
2 term ‘maximum extent practicable’ has the meaning
3 given the term in section 130.5 of title 49, Code of
4 Federal Regulations.

5 “(6) STATE.—The term ‘State’ means a State
6 of the United States or the District of Columbia.

7 “(7) TWO-WAY END-OF-TRAIN DEVICE.—The
8 term ‘two-way end-of-train device’ has the meaning
9 given the term in section 232.5 of title 49, Code of
10 Federal Regulations.

11 “(8) WORST-CASE DISCHARGE.—The term
12 ‘worst-case discharge’ has the meaning given the
13 term in section 130.5 of title 49, Code of Federal
14 Regulations.

15 “(b) NOTIFICATION REQUIREMENTS.—

16 “(1) IN GENERAL.—A railroad carrier may not
17 operate a high-hazard flammable train in a State
18 until the railroad carrier has provided the State
19 Emergency Response Commission for the State or
20 other appropriate State delegated entity, the Tribal
21 Emergency Response Commission, as appropriate,
22 and the County Emergency Management Commis-
23 sioner or other appropriate county emergency re-
24 sponse coordinator with—

1 “(A) a reasonable estimate of the number
2 of high-hazard flammable trains that are ex-
3 pected to travel, per week, through each county
4 within the State;

5 “(B) each route that the high-hazard flam-
6 mable train will take within the State;

7 “(C) a description of the Class 3 flam-
8 mable liquid being transported through the
9 State;

10 “(D) all applicable emergency response in-
11 formation required under subparts C and G of
12 part 172 of title 49, Code of Federal Regula-
13 tions; and

14 “(E) the contact information, including
15 name, title, telephone number, and address, for
16 at least 1 individual at the railroad carrier re-
17 sponsible for serving as the point of contact for
18 the State Emergency Response Commission or
19 other appropriate State delegated entity, the
20 Tribal Emergency Response Commission, if ap-
21 propriate, the County Emergency Management
22 Commissioner or other appropriate county
23 emergency response coordinator, and any other
24 relevant emergency responders related to the

1 railroad carrier’s transportation of high-hazard
2 flammable trains.

3 “(2) UPDATES.—A railroad carrier shall update
4 a notification under paragraph (1) prior to making
5 any material change in the estimated number of
6 high-hazard flammable trains that are expected to
7 travel, per week, through a county within the State.
8 For purposes of this paragraph, a ‘material change’
9 means an increase or decrease of 25 percent or more
10 in the estimate of the number of high-hazard flam-
11 mable trains from the number provided under para-
12 graph (1)(A).

13 “(3) COPIES TO DEPARTMENT OF TRANSPOR-
14 TATION.—A railroad carrier shall provide the infor-
15 mation required under paragraph (1) to the Depart-
16 ment of Transportation concurrently with the State
17 Emergency Response Commission or other appro-
18 priate State delegated entity, as applicable.

19 “(4) FOIA.—The information provided to the
20 Department of Transportation under paragraph (3)
21 shall be considered a record and available to the
22 public in accordance with section 552 of title 5,
23 United States Code.

24 “(5) PENALTIES.—A railroad carrier violating
25 this subsection or a regulation promulgated under

1 this subsection is liable to the United States Govern-
2 ment for a civil penalty. The Secretary of Transpor-
3 tation may impose a civil penalty of up to \$175,000
4 for each violation or for each day the violation con-
5 tinues.

6 “(c) SPEED RESTRICTIONS.—A railroad carrier oper-
7 ating a high-hazard flammable train shall—

8 “(1) except as provided under paragraph (2),
9 adhere to a speed restriction of 50 miles per hour;
10 and

11 “(2) adhere to a speed restriction of 40 miles
12 per hour for each high-hazard flammable train—

13 “(A) with at least 1 DOT specification 111
14 tank car while the train operates in an area
15 that has a population of more than 100,000
16 people, as determined by census population
17 data; or

18 “(B) with at least 1 non-DOT specification
19 tank car while the train operates in an area
20 that has a population of more than 100,000
21 people, as determined by census population
22 data.

23 “(d) REQUIRED EQUIPMENT.—

1 “(1) IN GENERAL.—A railroad carrier shall
2 equip each high-hazard flammable train it operates
3 with—

4 “(A) a two-way end-of-train device (as de-
5 fined in section 232.5 of title 49, Code of Fed-
6 eral Regulations);

7 “(B) a distributed power system (as de-
8 fined in section 229.5 of title 49, Code of Fed-
9 eral Regulations); or

10 “(C) an electronically controlled pneumatic
11 brake system (as defined in section 232.5 of
12 title 49, Code of Federal Regulations).

13 “(2) EXCEPTION.—Paragraph (1) shall not
14 apply to the operation of a high-hazard flammable
15 train that is limited to a maximum speed of 30 miles
16 per hour.

17 “(3) CONSTRUCTION.—Nothing in this sub-
18 section shall be construed to limit the authority of
19 the Secretary to promulgate regulations or issue or-
20 ders under other law.

21 “(e) INSTALLATION OF WAYSIDE DEFECTIVE BEAR-
22 ING DETECTORS.—

23 “(1) IN GENERAL.—Subject to paragraph (2),
24 each railroad carrier shall install wayside defective

1 bearing detectors at least every 40 miles along main
2 line track—

3 “(A) that the railroad carrier owns or has
4 been assigned maintenance responsibility under
5 section 213.5 of title 49, Code of Federal Regu-
6 lations; and

7 “(B) over which 1 or more high-hazard
8 flammable trains are operated.

9 “(2) COMPLETION.—

10 “(A) PROGRESS REPORT.—Not later than
11 180 days after the date of enactment of the
12 Rail Safety Improvement Act of 2014, a rail-
13 road carrier shall submit to the Secretary a re-
14 port describing the progress the railroad carrier
15 has made toward completion of the installation
16 of wayside defective bearing detectors under
17 paragraph (1).

18 “(B) COMPLETION DATE.—After reviewing
19 the report submitted under subparagraph (A),
20 the Secretary shall establish a date by which
21 the railroad carrier must complete the installa-
22 tion of wayside defective bearing detectors
23 under paragraph (1).

24 “(3) EXCEPTION.—Paragraph (1) shall not
25 apply to any situation in which the Secretary deter-

1 mines that track configuration or other safety con-
2 siderations dictate otherwise.

3 “(f) INSPECTIONS.—A railroad carrier shall—

4 “(1) conduct at least 2 automated track geom-
5 etry inspections each calendar year on main line
6 track—

7 “(A) that the railroad carrier owns or has
8 been assigned maintenance responsibility under
9 section 213.5 of title 49, Code of Federal Regu-
10 lations; and

11 “(B) over which a high-hazard flammable
12 train is operated;

13 “(2) perform at least 1 additional internal rail
14 inspection each calendar year than is required under
15 section 213.237(c) of title 49, Code of Federal Regu-
16 lations on main line track—

17 “(A) that the railroad carrier owns or has
18 been assigned maintenance responsibility under
19 section 213.5 of title 49, Code of Federal Regu-
20 lations; and

21 “(B) over which a high-hazard flammable
22 train is operated; and

23 “(3) perform at least 1 additional track inspec-
24 tion per week than is required under section

1 213.233(e) of title 49, Code of Federal Regulations,
2 on each main line track—

3 “(A) that the railroad carrier owns or has
4 been assigned maintenance responsibility under
5 section 213.5 of title 49, Code of Federal Regu-
6 lations; and

7 “(B) over which a high-hazard flammable
8 train is operated.”.

9 (b) CONFORMING AMENDMENT.—The table of con-
10 tents for chapter 51 is amended by adding after the item
11 relating to section 5110 the following:

 “5111. Requirements for the operation of high-hazard flammable trains.”.

12 (c) OIL SPILL PREVENTION AND RESPONSE
13 PLANS.—

14 (1) SUBMISSION AND APPROVAL PROCE-
15 DURES.—Not later than 180 days after the date of
16 enactment of this Act, the Secretary of Transpor-
17 tation shall promulgate regulations to require ap-
18 proval of each oil spill prevention and response plan
19 submitted or resubmitted to the Federal Railroad
20 Administrator (for tank cars) to ensure it meets all
21 the requirements of part 130 of title 49, Code of
22 Federal Regulations, as revised under paragraph (2)
23 of this subsection. The regulations shall include no-
24 tice of, and an opportunity to respond to, including
25 the opportunity for an informal conference, any al-

1 leged plan deficiencies or proposed plan revisions
2 and an opportunity to correct any plan deficiencies.

3 (2) REGULATIONS.—Not later than 180 days
4 after the date of enactment of this Act, the Sec-
5 retary of Transportation shall revise the regulations
6 under part 130 of the Code of Federal Regulations
7 (relating to oil spill prevention and response plans)
8 to modify the 1,000 barrels (42,000 gallons) thresh-
9 old for a comprehensive oil spill prevention and re-
10 sponse plan to account for worst-case discharges re-
11 sulting from accidents involving unit trains or blocks
12 of 20 or more tank cars.

13 (d) POSITIVE TRAIN CONTROL.—Section
14 20157(a)(1) is amended—

15 (1) by striking “Not later than 18 months after
16 the date of enactment of the Rail Safety Improve-
17 ment Act of 2008, each” and inserting “Each”;

18 (2) in subparagraph (B), by striking “; and”
19 and inserting a semicolon;

20 (3) by redesignating subparagraph (C) as sub-
21 paragraph (D); and

22 (4) by inserting after subparagraph (B), the
23 following:

24 “(C) its main line over which 20 or more
25 tank cars loaded with petroleum crude oil, Class

1 3 (as described in section 172.101 of title 49,
2 Code of Federal Regulations) are transported;
3 and”.

4 (e) SHORT LINE AND REGIONAL RAILROAD SAFETY
5 GRANTS.—Section 20108 is amended by adding at the end
6 the following:

7 “(d) SHORT LINE AND REGIONAL RAILROAD SAFETY
8 INITIATIVE.—

9 “(1) GRANTS AUTHORIZED.—The Secretary
10 may award grants to private or nonprofit organiza-
11 tions involved in, or affiliated with, transportation by
12 Class II or Class III railroads.

13 “(2) USE OF FUNDS.—Grant funds awarded
14 under this subsection shall be used for research, de-
15 velopment, testing, evaluation, and training efforts
16 that are designed to enhance rail safety practices
17 and safety culture.

18 “(3) AUTHORIZATION OF APPROPRIATIONS.—

19 “(A) FISCAL YEAR 2015.—There is author-
20 ized to be appropriated to the Secretary
21 \$2,000,000 for fiscal year 2015 for grants
22 under this subsection.

23 “(B) FISCAL YEAR 2016 THROUGH 2019.—
24 There is authorized to be appropriated to the
25 Secretary such sums as may be necessary for

1 each of the fiscal years 2016 through 2019 for
2 grants under this subsection.

3 “(C) AVAILABILITY.—Amounts appro-
4 priated under this paragraph shall remain avail-
5 able until expended.”.

6 (f) ACCIDENT ANALYSIS AND MITIGATION.—With
7 amounts appropriated under section 20117(a) of title 49,
8 United States Code, the Secretary of Transportation shall
9 conduct accident analysis and mitigation research to ex-
10 amine—

11 (1) how the safety risks of transporting energy
12 products by rail changes from source to destination;

13 (2) the likelihood and consequences of accidents
14 during pre-treatment, classification, loading, transit,
15 and unloading;

16 (3) mitigation strategies to reduce identified
17 risks throughout the supply chain, including—

18 (A) regulation and enforcement;

19 (B) more accurate classification methods;

20 (C) alternative routing;

21 (D) reduced speeds;

22 (E) improved braking;

23 (F) improved tank car crashworthiness;

24 and

25 (G) better informed emergency responders.

1 (g) RESEARCH ON TANK CAR SAFETY.—With
2 amounts appropriated under section 20117(a) of title 49,
3 United States Code, the Secretary of Transportation shall
4 supplement research conducted by the Pipeline and Haz-
5 ardous Materials Safety Administration on the develop-
6 ment of a Liquefied Natural Gas bulk tank car and loco-
7 motive tender designs by conducting full-scale impact tests
8 to assess performance, puncture resistance, and validate
9 computer simulations.

10 **SEC. 7. AMENDMENTS TO THE SAFETY APPLIANCE LAW.**

11 (a) MOVING DEFECTIVE AND INSECURE VEHICLES
12 NEEDING REPAIRS.—

13 (1) IN GENERAL.—Section 20303 is amended
14 by adding at the end the following:

15 “(d) DEFINITION OF NEAREST.—The term ‘nearest’
16 means the closest in the forward direction of travel for
17 the defective or insecure vehicle.”.

18 (2) TECHNICAL AMENDMENTS.—Section
19 20303(a)(2) is amended by striking “clause (1) of
20 this subsection” and inserting “paragraph (1)”.

21 (b) EXEMPTION FOR TECHNOLOGICAL IMPROVE-
22 MENTS.—Section 20306 is amended—

23 (1) in subsection (b)(1), by striking “; or” and
24 inserting a semicolon;

1 (2) in subsection (b)(2), by striking the period
2 at the end and inserting “; or”; and

3 (3) by adding at the end the following:

4 “(3) a regulation promulgated under section
5 553 of title 5, United States Code.”.

6 **SEC. 8. AMENDMENTS TO THE LOCOMOTIVE INSPECTION**

7 **LAW.**

8 (a) **REQUIREMENTS FOR USE.**—Section 20701 is
9 amended—

10 (1) by inserting “(a) **IN GENERAL.**—” before
11 “A railroad carrier” and indenting appropriately;

12 (2) in subsection (a)(2), as redesignated, by
13 striking “; and” and inserting a semicolon;

14 (3) in subsection (a)(3), as redesignated, by
15 striking the period and inserting “; and”;

16 (4) in subsection (a), as redesignated, by add-
17 ing at the end the following:

18 “(4) are of a unique design or utilize a new
19 power source technology that has been approved in
20 advance by the Secretary.”; and

21 (5) by adding at the end the following:

22 “(b) **DEFINITION OF NEW POWER SOURCE TECH-**
23 **NOLOGY.**—For the purposes of subsection (a)(4), the term
24 ‘new power source technology’ means a technology that

1 employs a source of motive power other than diesel fuel,
2 electricity, or steam.”.

3 **SEC. 9. REPAIR AND REPLACEMENT OF DAMAGED TRACK**
4 **INSPECTION EQUIPMENT.**

5 (a) IN GENERAL.—Subchapter I of chapter 201 is
6 amended by adding after section 20120 the following:

7 **“§ 20121. Repair and replacement of damaged track**
8 **inspection equipment**

9 “The Secretary of Transportation may receive and
10 expend cash, or receive and utilize spare parts and similar
11 items, from non-United States Government sources to re-
12 pair damages to or replace United States Government
13 owned automated track inspection cars and equipment as
14 a result of third-party liability for such damages, and any
15 amounts collected under this section shall be credited di-
16 rectly to the Railroad Safety and Operations account of
17 the Federal Railroad Administration, and shall remain
18 available until expended for the repair, operation, and
19 maintenance of automated track inspection cars and
20 equipment in connection with the automated track inspec-
21 tion program.”.

22 (b) CONFORMING AMENDMENT.—The table of con-
23 tents for subchapter I of chapter 201 is amended by add-
24 ing after section 21020 the following:

“20121. Repair and replacement of damaged track inspection equipment.”.

1 **SEC. 10. COMMUTER RAIL TRACK INSPECTIONS.**

2 (a) IN GENERAL.—Subchapter II of chapter 201, as
3 amended by section 4 of this Act, is further amended by
4 adding at the end the following:

5 **“§ 20172. Commuter rail track inspections**

6 “(a) IN GENERAL.—When performing an inspection
7 as required under subpart F of part 213 of title 49, Code
8 of Federal Regulations, a railroad carrier providing com-
9 muter rail passenger transportation on high density com-
10 muter railroad lines (as described in section 213.233(b)(3)
11 of title 49, Code of Federal Regulations) shall, at a min-
12 imum—

13 “(1) actually traverse each main line by vehicle
14 or inspect each main line on foot at least once every
15 2 weeks; and

16 “(2) actually traverse and inspect each siding
17 by vehicle or by foot at least once every month.

18 “(b) CONSTRUCTION.—Nothing in this section shall
19 be construed to limit the authority of the Secretary to pro-
20 mulgate regulations or issue orders under other law.”.

21 (b) CONFORMING AMENDMENT.—The table of con-
22 tents for subchapter II of chapter 201, as amended by
23 section 4 of this Act, is further amended by adding at the
24 end the following:

“20172. Commuter rail track inspections.”.

1 **SEC. 11. AUTOMATED TRACK GEOMETRY INSPECTIONS.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, the Secretary of Transpor-
4 tation shall promulgate such regulations as the Secretary
5 considers necessary to require each railroad carrier to con-
6 duct at least 1 annual automated track geometry inspec-
7 tion on all high-tonnage routes (as defined by the Sec-
8 retary), passenger train routes, and hazardous materials
9 routes on main line track that the railroad carrier owns
10 or has been assigned maintenance responsibility under sec-
11 tion 213.5 of title 49, Code of Federal Regulations.

12 (b) EXCEPTIONS.—In promulgating the regulations
13 under subsection (a), the Secretary of Transportation may
14 provide an exception for a railroad carrier that dem-
15 onstrates, to the Secretary's satisfaction, that its inspec-
16 tion practices provide an equivalent level of safety benefit.

17 (c) CONSTRUCTION.—Nothing in this section shall be
18 construed to limit the authority of the Secretary to pro-
19 mulgate regulations or issue orders under other law.

20 **SEC. 12. SPEED ENFORCEMENT.**

21 (a) AUTOMATED TRAIN CONTROL INSPECTIONS.—
22 Not later than 1 year after the date of enactment of this
23 Act, the Secretary of Transportation shall promulgate reg-
24 ulations requiring each railroad carrier operating in auto-
25 mated train control territory to perform a regular inspec-
26 tion at each location that has a reduction of more than

1 20 miles per hour in the maximum authorized speed until
2 the Secretary has certified the railroad carrier's positive
3 train control system under section 20157(h) of title 49,
4 United States Code.

5 (b) SIGNAGE.—Not later than 1 year after the date
6 of enactment of this Act, the Secretary of Transportation
7 shall promulgate regulations requiring the installation of
8 signs to warn train crews before they approach a location
9 where there is a permanent reduction of more than 20
10 miles per hour in the maximum authorized speed.

11 (c) REPORT.—Not later than 6 months after the date
12 of the enactment of this Act, the Secretary of Transpor-
13 tation shall transmit to the Committee on Commerce,
14 Science, and Transportation of the Senate and the Com-
15 mittee on Transportation and Infrastructure of the House
16 of Representatives a report describing—

17 (1) the actions the railroad carriers have taken
18 in response to Safety Advisory 2013-08, entitled
19 Operational Tests and Inspections for Compliance
20 With Maximum Authorized Train Speeds and Other
21 Speed Restrictions; and

22 (2) the actions the Federal Railroad Adminis-
23 tration has taken to determine and ensure compli-
24 ance with that safety advisory.

1 **SEC. 13. UNINTENTIONAL MOVEMENT.**

2 Not later than 180 days after the date of enactment
3 of this Act, the Secretary of Transportation shall revise
4 the regulations in section 232.103(n) of title 49, Code of
5 Federal Regulations, relating to securement of unattended
6 equipment, to incorporate those requirements under Fed-
7 eral Railroad Administration Emergency Order No. 28
8 (78 Fed. Reg. 48218; relating to establishing additional
9 requirements for attendance and securement of certain
10 freight trains and vehicles on mainline track or mainline
11 siding outside of a yard or terminal) to the extent the Sec-
12 retary considers practicable.

13 **SEC. 14. RAIL SAFETY OVERSIGHT IMPROVEMENTS.**

14 (a) **RISK REDUCTION IMPLEMENTATION PLAN.**—Not
15 later than 60 days after the date of enactment of this Act,
16 the Secretary of Transportation shall develop and submit
17 to the Committee on Commerce, Science, and Transpor-
18 tation of the Senate and the Committee on Transportation
19 and Infrastructure of the House of Representatives an im-
20 plementation plan for the oversight of railroad safety risk
21 reduction programs developed under section 20156 of title
22 49, United States Code. The plan shall contain—

23 (1) interim milestones for finalizing any regula-
24 tion required to implement section 20156 of title 49,
25 United States Code; and

1 (2) estimated timeframes for the review and ap-
2 proval of railroad safety risk reduction program
3 components required under section 20156(d)(2) of
4 title 49, United States Code.

5 (b) HUMAN CAPITAL PLAN.—

6 (1) IN GENERAL.—Not later than 2 years after
7 the date of enactment of this Act, the Secretary
8 shall develop a long-range strategic human capital
9 plan for the Federal Railroad Administration. The
10 plan shall—

11 (A) identify and prioritize the Federal
12 Railroad Administration’s human capital needs
13 over a minimum of 5 years;

14 (B) align the human capital needs under
15 subparagraph (A) with the Federal Railroad
16 Administration’s safety mission; and

17 (C) include specific approaches for how the
18 Secretary will ensure that the Federal Railroad
19 Administration has enough inspectors to per-
20 form its current and future oversight work, in-
21 cluding the implementation of requirements for
22 positive train control and railroad safety risk
23 reduction programs.

24 (2) CONSIDERATIONS.—In developing the plan,
25 the Secretary shall consider—

1 (A) whether the Federal Railroad Adminis-
2 tration's staffing allocation process is flexible
3 enough to respond to shifts in rail traffic vol-
4 umes and patterns across different regions; and

5 (B) railroad industry trends, projected re-
6 tirements, skill gaps, and training needs.

7 (3) REPORT.—Not later than 30 days after the
8 plan is complete, the Secretary shall transmit a re-
9 port to the Committee on Commerce, Science, and
10 Transportation of the Senate and the Committee on
11 Transportation and Infrastructure of the House of
12 Representatives that summarizes the contents of the
13 plan and describes how the Secretary will prioritize
14 resources to mitigate the largest rail safety oversight
15 risks and to prevent rail accidents.

16 **SEC. 15. REPORTS ON STATUTORY MANDATES AND REC-**
17 **COMMENDATIONS.**

18 Section 106 of the Rail Safety Improvement Act of
19 2008 (49 U.S.C. 20101 note) is amended by striking “Not
20 later than December 31, 2008, and annually thereafter,
21 the Secretary” and inserting “Not later than 90 days after
22 the date of enactment of the Rail Safety Improvement Act
23 of 2014, and quarterly thereafter, the Administrator of
24 the Federal Railroad Administration”.

1 **SEC. 16. OPERATION DEEP DIVE; REPORT.**

2 (a) IN GENERAL.—Not later than 60 days after the
3 date of enactment of this Act, and quarterly thereafter
4 until the completion date, the Administrator of the Fed-
5 eral Railroad Administration shall submit to the Com-
6 mittee on Commerce, Science, and Transportation of the
7 Senate and the Committee on Transportation and Infra-
8 structure of the House of Representatives a report on the
9 progress of Metro-North Commuter Railroad in imple-
10 menting the directives and recommendations issued by the
11 Federal Railroad Administration in its March 2014 report
12 to Congress, Operation Deep Dive Metro-North Commuter
13 Railroad Safety Assessment. Not later than 30 days after
14 the completion date, the Federal Railroad Administration
15 shall submit a final report on the directives and rec-
16 ommendations to Congress.

17 (b) DEFINITION OF COMPLETION DATE.—For pur-
18 poses of this section, the term “completion date” means
19 the date that Metro-North Commuter Railroad has com-
20 pleted all of the directives and recommendations issued by
21 the Federal Railroad Administration in its March 2014
22 report to Congress.

23 **SEC. 17. USE OF CERTAIN REPORTS AND SURVEYS.**

24 (a) IN GENERAL.—Section 20119 of title 49, United
25 States Code, is repealed.

1 (b) CONFORMING AMENDMENT.—The table of con-
2 tents for title 49, United States Code, is amended by strik-
3 ing the item relating to section 20119.

4 **SEC. 18. AUTHORIZATION OF APPROPRIATIONS; MISCELLA-**
5 **NEOUS.**

6 (a) HIGHWAY-RAIL GRADE CROSSING SAFETY
7 STUDY.—There are authorized to be appropriated to the
8 Secretary of Transportation such sums as may be nec-
9 essary to conduct a study of railroad operations that block
10 highway-rail grade crossings, including the severity, fre-
11 quency, and other characteristics of such blockages, to re-
12 main available until expended. For the purpose of this
13 subsection, the term “highway-rail grade crossing” has the
14 meaning given the term in section 20153(a) of title 49,
15 United States Code.

16 (b) TRAIN LENGTH STUDY.—There are authorized to
17 be appropriated to the Secretary of Transportation such
18 sums as may be necessary to conduct a study of whether
19 train length correlates with the severity and frequency of
20 train derailments, to remain available until expended.

21 (c) OPERATION LIFESAVER; AUTHORIZATION OF AP-
22 PROPRIATIONS.—Section 206(c) of the Rail Safety Im-
23 provement Act of 2008 (49 U.S.C. 22501 note) is amend-
24 ed to read as follows:

1 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Federal Railroad
3 Administration for carrying out this section \$1,500,000
4 for each of fiscal years 2015 through 2020.”.

5 **SEC. 19. ENFORCEMENT.**

6 (a) SAFETY SENSITIVE VIOLATIONS.—Not later than
7 180 days after the date of enactment of this Act, the Sec-
8 retary of Transportation shall issue a statement of agency
9 policy—

10 (1) defining the term “safety sensitive viola-
11 tion” for purposes of the amendments under sub-
12 section (c); and

13 (2) identifying in the penalty schedules those
14 violations under chapter 201, chapters 203 through
15 209, and chapter 211 of title 49, United States
16 Code, that meet the definition under paragraph (1)
17 of this subsection.

18 (b) NOTICE AND COMMENT.—The Secretary of
19 Transportation may subject the statement of agency policy
20 under subsection (a) to notice and comment, as the Sec-
21 retary considers appropriate.

22 (c) CIVIL PENALTIES INCREASES.—

23 (1) CHAPTER 201 GENERAL VIOLATIONS.—Sec-
24 tion 21301(a) is amended—

1 (A) by inserting “, except that if the viola-
2 tion is a safety sensitive violation the amount of
3 the penalty shall be at least \$13,000” after
4 “\$25,000”;

5 (B) by striking “\$25,000” and inserting
6 “\$500,000”;

7 (C) by striking “the amount may be not
8 more than \$100,000” and inserting “the
9 amount shall be at least \$1,000,000”; and

10 (D) in paragraph (3), by inserting “, or
11 \$13,000 if the violation is a safety sensitive vio-
12 lation,” after “\$500”.

13 (2) CHAPTER 201 ACCIDENT AND INCIDENT VIO-
14 LATIONS; CHAPTER 203 THROUGH 209 VIOLATIONS.—
15 Section 21302(a)(2) is amended—

16 (A) by inserting “, except that if the viola-
17 tion is a safety sensitive violation the amount of
18 the penalty shall be at least \$13,000” after
19 “\$25,000”;

20 (B) by striking “\$25,000” and inserting
21 “\$500,000”; and

22 (C) by striking “the amount may be not
23 more than \$100,000” and inserting “the
24 amount shall be at least \$1,000,000”.

1 (3) CHAPTER 211 VIOLATIONS.—Section
2 21303(a)(2) is amended—

3 (A) by inserting “, except that if the viola-
4 tion is a safety sensitive violation the amount of
5 the penalty shall be at least \$13,000” after
6 “\$25,000”;

7 (B) by striking “\$25,000” and inserting
8 “\$500,000”; and

9 (C) by striking “the amount may be not
10 more than \$100,000” and inserting “the
11 amount shall be at least \$1,000,000”.

12 (4) INFLATION ADJUSTMENTS; STATEMENTS OF
13 AGENCY POLICY.—The Secretary of Transportation
14 shall issue a statement of agency policy adjusting
15 the penalty schedules for violations of chapter 201,
16 chapters 203 through 209, and chapter 211 of title
17 49, United States Code, as necessary to account for
18 inflation, each time the Secretary is required by law
19 to review the minimum and maximum civil monetary
20 penalty for inflation under the Federal Civil Pen-
21 alties Inflation Adjustment Act of 1990. The Sec-
22 retary may subject the statement of agency policy to
23 notice and comment, as the Secretary considers ap-
24 propriate.

1 (d) ENFORCEMENT REPORT.—Section 20120(a)(2)
2 is amended by inserting after “prior fiscal year,” the fol-
3 lowing: “for both ordinary and safety-sensitive viola-
4 tions,”.

5 (e) EFFECTIVE DATE.—The amendments under sub-
6 paragraphs (A) and (D) of subsection (c)(1), under sub-
7 section (c)(2)(A), and under subsection (c)(3)(A) shall
8 take effect on the date that is 180 days after the date
9 that the Secretary of Transportation defines the term
10 “safety sensitive violation” under subsection (a).

11 **SEC. 20. CONFIDENTIAL CLOSE CALL REPORTING SYSTEMS.**

12 (a) IN GENERAL.—Subchapter II of chapter 201, as
13 amended by section 10, is further amended by adding at
14 the end the following:

15 **“§ 20173. Confidential close call reporting systems**

16 “(a) IN GENERAL.—Not later than 2 years after the
17 date of enactment of the Rail Safety Improvement Act of
18 2014, each applicable railroad carrier shall establish a
19 confidential close call reporting system.

20 “(b) REGULATIONS.—Not later than 1 year after the
21 Rail Safety Improvement Act of 2014, the Secretary shall
22 promulgate regulations setting forth the requirements for
23 an applicable railroad carrier to follow in establishing a
24 confidential close call reporting system program. The Sec-
25 retary may use any information and experience gathered

1 through research and pilot programs on confidential close
2 call reporting systems in developing the regulations, in-
3 cluding continuing the use of third parties for the collec-
4 tion of close call reports and distribution of close call data.
5 The Secretary shall ensure that an applicable railroad car-
6 rier's employees receive protection under its program from
7 any related Federal Railroad Administration enforcement
8 actions.

9 “(c) PROGRAM DEVELOPMENT AND OVERSIGHT.—

10 “(1) IN GENERAL.—Not later than 180 days
11 after the date of the final regulations under sub-
12 section (b), an applicable railroad carrier shall de-
13 velop a proposed program and submit it to the Sec-
14 retary for review and approval.

15 “(2) CONTENTS.—A railroad carrier shall de-
16 scribe its proposed program's core principles and
17 values, explain the rights, roles, and responsibilities
18 of program stakeholders, identify concerns and inter-
19 ests, and describe how the program will operate.

20 “(3) REVIEW.—

21 “(A) IN GENERAL.—The Secretary shall
22 review and approve or disapprove each proposed
23 program within a reasonable amount of time. If
24 a proposed program is not approved, the Sec-
25 retary shall notify the applicable railroad car-

1 rier in writing as to the specific areas in which
2 the proposed program is deficient. The applica-
3 ble railroad carrier shall correct all deficiencies
4 within a reasonable period of time following re-
5 ceipt of written notice from the Secretary.

6 “(B) UPDATES.—An applicable railroad
7 carrier shall update its program as needed and
8 obtain the Secretary’s approval prior to making
9 any major changes to its program.

10 “(C) ANNUAL REVIEWS.—The Secretary
11 shall conduct an annual review to ensure that
12 each applicable railroad carrier is in compliance
13 with its program.

14 “(d) PROGRAM ELEMENTS.—Each applicable rail-
15 road carrier shall—

16 “(1) provide a safe environment for its employ-
17 ees to report unsafe events and conditions;

18 “(2) for unsafe events and conditions reported
19 within the scope of a confidential close call reporting
20 system, ensure its employees are protected from rail-
21 road carrier discipline;

22 “(3) use information collected through the con-
23 fidential close call reporting system to develop and
24 implement targeted corrective actions, as appro-
25 priate; and

1 “(4) use information collected by the programs
2 to supplement inspection data in identifying safety
3 issues and emerging risks before they develop into
4 accidents.

5 “(e) CONSENSUS.—

6 “(1) IN GENERAL.—Each applicable railroad
7 carrier shall consult with, employ good faith with,
8 and use its best efforts to reach agreement with all
9 of its directly affected employees, including any non-
10 profit employee labor organization representing a
11 class or craft of directly affected employees of the
12 applicable railroad carrier, on the development and
13 implementation of the proposed program.

14 “(2) STATEMENTS.—If an applicable railroad
15 carrier and its directly affected employees, including
16 any nonprofit employee labor organization rep-
17 resenting a class or craft of directly affected employ-
18 ees of the applicable railroad carrier, cannot reach
19 consensus on the development and implementation of
20 the proposed program, then directly affected employ-
21 ees and such organization may file a statement with
22 the Secretary explaining their views on the proposed
23 program on which consensus was not reached. The
24 Secretary shall consider such views during review of
25 the proposed program under subsection (e)(3)(A).

1 “(f) VOLUNTARY PROGRAM ESTABLISHMENT.—Any
2 railroad carrier that is not an applicable railroad carrier
3 may voluntarily establish a program under this section.
4 This section, and any regulations promulgated under this
5 section, shall apply to a program that is voluntarily estab-
6 lished.

7 “(g) USE OF DATA.—The Secretary may use the con-
8 fidential close call reporting data—

9 “(1) when implementing or updating the Fed-
10 eral Railroad Administration’s National Inspection
11 Plan;

12 “(2) when performing focused inspections; or

13 “(3) when developing agency rulemakings and
14 guidance, as appropriate.

15 “(h) DEFINITION OF APPLICABLE RAILROAD CAR-
16 RIER.—In this section, the term ‘applicable railroad car-
17 rier’ means—

18 “(1) a railroad carrier that is a Class I rail-
19 road;

20 “(2) a railroad carrier that has inadequate safe-
21 ty performance, as determined by the Secretary; or

22 “(3) a railroad carrier that provides intercity
23 rail passenger or commuter rail passenger transpor-
24 tation.

1 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Secretary such sums
3 as may be necessary to implement this section and support
4 the nationwide implementation, as the Secretary deter-
5 mines appropriate, of confidential close call reporting sys-
6 tem programs.”.

7 (b) CONFORMING AMENDMENT.—The table of con-
8 tents for subchapter II of chapter 201, as amended by
9 section 10 of this Act, is further amended by adding at
10 the end the following:

“20173. Confidential close call reporting systems.”.

11 **SEC. 21. FREIGHT TRAIN CREW SIZE.**

12 (a) IN GENERAL.—Subchapter II of chapter 201, as
13 amended by section 20 of this Act, is further amended
14 by adding at the end the following:

15 **“§ 20174. Freight train crew size**

16 “(a) IN GENERAL.—No freight train or light engine
17 used in connection with the movement of freight may be
18 operated unless it has a crew of at least 2 individuals of
19 which—

20 “(1) 1 individual is certified as a locomotive op-
21 erator under section 20135; and

22 “(2) 1 individual is certified as a train con-
23 ductor under section 20163.

1 “(b) DEFINITION OF LIGHT ENGINE.—In this sec-
2 tion, the term ‘light engine’ means a locomotive operating
3 without cars attached or with caboose only.”.

4 (b) CONFORMING AMENDMENT.—The table of con-
5 tents for subchapter II of chapter 201, as amended by
6 section 20 of this Act, is further amended by adding at
7 the end the following:

“20174. Freight train crew size.”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 subsections (a) and (b) of this section shall take effect on
10 the date that is 30 days after the date of enactment of
11 the Rail Safety Improvement Act of 2014.